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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,914	12/11/2000	David Cheo	IVGN 251	2341
65482	7590	01/09/2007	EXAMINER	
INVITROGEN CORPORATION C/O INTELLEVATE P.O. BOX 52050 MINNEAPOLIS, MN 55402			KETTER, JAMES S	
			ART UNIT	PAPER NUMBER
			1636	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
2 MONTHS	01/09/2007		PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/732,914	CHEO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	James S. Ketter	1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 October 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 22,35-37,40-42,47-54,69,77-100,103-119 and 143-150 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 22,35-37,40-42,47-54,69,77-100,103-119 and 143-150 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other *NOTICE TO COMPLY - SUBSEQUENT  
ERROR REPORT*

This application is in condition for allowance except for the following formal matters:

The Computer readable Form of the sequence listing contains errors found by the Scientific and Technical Information Center (STIC), as set forth in the attached Error Report. The errors must be corrected before the case can be passed to issue.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Ketter whose telephone number is 571-272-0770. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel can be reached on 571-272-0781. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSK  
28 December 2006



JAMES KETTER  
PRIMARY EXAMINER

<b>Notice to Comply</b>	Application No. 09/732,914	Applicant(s) <b>CHEO et al.</b>					
	Examiner J. Ketter	Art Unit 1636					
<b>NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES</b>							
<p>Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).</p> <p>The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).</li> <li><input type="checkbox"/> 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).</li> <li><input type="checkbox"/> 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).</li> <li><input checked="" type="checkbox"/> 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."</li> <li><input type="checkbox"/> 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).</li> <li><input type="checkbox"/> 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).</li> <li><input type="checkbox"/> 7. Other:</li> </ul>							
<p><b>Applicant Must Provide:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".</li> <li><input type="checkbox"/> An initial or substitute paper copy of the "Sequence Listing", <b>as well as an amendment specifically directing its entry into the application.</b></li> <li><input checked="" type="checkbox"/> A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).</li> </ul>							
<p>For questions regarding compliance to these requirements, please contact:</p> <p>For Rules Interpretation, call (703) 308-4216 or (703) 308-2923      For CRF Submission Help, call (703) 308-4212 or 308-2923      PatentIn Software Program Support</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Technical Assistance.....</td> <td style="width: 60%;">703-287-0200</td> </tr> <tr> <td>To Purchase PatentIn Software.....</td> <td>703-306-2600</td> </tr> </table> <p><b>PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY</b></p>				Technical Assistance.....	703-287-0200	To Purchase PatentIn Software.....	703-306-2600
Technical Assistance.....	703-287-0200						
To Purchase PatentIn Software.....	703-306-2600						

**STIC Biotechnology Systems Branch**

*EFS*

**RAW SEQUENCE LISTING  
ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/732,914A  
Source: FW16-EFS  
Date Processed by STIC: 11/9/06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06

## Raw Sequence Listing Error Summary

<u>ERROR DETECTED</u>	<u>SUGGESTED CORRECTION</u>	<u>SERIAL NUMBER:</u> <u>09/932,914A</u>
<b>ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE</b>		
1 <input checked="" type="checkbox"/> Wrapped Nucleic <input checked="" type="checkbox"/> Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."	
2 <input checked="" type="checkbox"/> Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.	
3 <input checked="" type="checkbox"/> Misaligned Amino Numbering	The numbering under each 5 <sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.	
4 <input checked="" type="checkbox"/> Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.	
5 <input checked="" type="checkbox"/> Variable Length	Sequence(s) _____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.	
6 <input checked="" type="checkbox"/> PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.	
7 <input checked="" type="checkbox"/> Skipped Sequences (OLD RULES)	Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.	
8 <input checked="" type="checkbox"/> Skipped Sequences (NEW RULES)	Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000	
9 <input checked="" type="checkbox"/> Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.	
10 <input checked="" type="checkbox"/> Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence. (see item 11 below)	
11 <input checked="" type="checkbox"/> Use of <220>	Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section or use "chemically synthesized" as explanation. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32), also Sec. 1.823 of Sequence Rules	
12 <input checked="" type="checkbox"/> PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.	
13 <input checked="" type="checkbox"/> Misuse of n/Xaa	"n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid	

do not use alphabetical headings  
Use numeric identifiers only.

09/732,914A

<110> APPLICANT: Cheo, David  
Brasch, Michael A.  
Temple, Gary F.  
Hartley, James L.  
Byrd, Devon R.N.

Does Not Comply  
Corrected Diskette Needed

see item 2 on Error Summary Sheet

<120> TITLE OF INVENTION: Use of Multiple Recombination Sites with Unique Specificity in  $\beta$  move up  
Recombinational Cloning

<130> FILE REFERENCE: 0942.5010002

<140> CURRENT APPLICATION NUMBER: US/09/732,914

<141> CURRENT FILING DATE: 2000-12-11

<150> PRIOR APPLICATION NUMBER: US 60/169,983

<151> PRIOR FILING DATE: 1999-12-10

<150> PRIOR APPLICATION NUMBER: US 60/188,020

<151> PRIOR FILING DATE: 2000-03-09

<160> NUMBER OF SEQ ID NOS: 141

<170> SOFTWARE: PatentIn version 3.0

<210> SEQ ID NO 1

<211> LENGTH: 27

<212> TYPE: DNA

<213> ORGANISM: attB0

<400> SEQUENCE: 1

agcctgcttt tttataactaa cttgagc

← invalid response. See item 10 on Error Summary Sheet.

if the <213> response  
is "Artificial Sequence,"  
then "attB0" would be  
an insufficient explanation.  
Give source of genetic material  
(see item 11 on Error Summary  
Sheet) <sup>27</sup>

<210> SEQ ID NO 2

<211> LENGTH: 27

<212> TYPE: DNA

<213> ORGANISM: attP0

<400> SEQUENCE: 2

gttcagcttt tttataactaa gttggca

(The above is a  
sample of global errors)